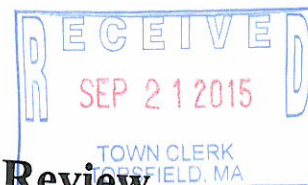


Planning Board Application for Special Permit & Site Plan Review



Form A

Before you file this application, it is necessary that you be familiar with the requirements for filing plans and other materials in support of this application as specified in the Topsfield Zoning Bylaws, scenic road Bylaw, Stormwater & Erosion Control Bylaw and the respective Planning Board Rules and Procedures that are available from the Town Clerk and Community development Coordinator as well as the Town website at www.topsfield-ma.gov.

Incomplete applications will not be considered unless waivers are previously obtained from the Planning Board.

SPECIAL PERMIT FEES:

Business Park Use Permits	\$200.00	
Elderly Housing Special Permits	\$1000.00	(New construction EHD see Site Plan Review fees listed below)
Common Drive	\$100.00 per lot	
Accessory Apartment	\$100.00	
Groundwater Protection District		
Wind Energy Conversion System – Small Scale	\$200.00	
Ground Mounted Solar Photovoltaic Installations	\$200.00	
Scenic Road		
Stonewall Removal	\$75.00	
Tree Removal	\$75.00	
Stormwater & Erosion Control	\$100.00 plus .0030 times the total square footage of the area to be altered by the project; see exemptions under regulations	

SITE PLAN REVIEW:

1). Coverage Fee

\$100/5,000 sq. ft. or any portion thereof of new/alterd lot disturbance (the total square footage of all new/alterd building footprints, plus all paved surfaces, septic installations and stormwater management systems).

_____ sq. ft. ÷ 5,000 sq. ft. x \$100 = _____ area of new/alterd coverage

2). Gross Floor Area Fee

\$200/5,000 square feet or any portion thereof of new/alterd Gross Floor Area (gross floor area – the total square footage of all new floor area on all levels of all new or existing buildings).

_____ sq. ft. ÷ 5,000 sq. ft. x \$200 = _____ area of new/alterd gross floor area

Coverage Fee	\$ _____
Gross Floor Area Fee	\$ _____
Total Site Plan Review Fee	\$ _____

NATURE OF APPLICATION:

- ☒ Petition for Special Permit pursuant to Article 7, Section 7.03 of the Zoning Bylaw.
- ☐ Petition for Finding pursuant to Article _____, Section _____ of the Bylaw.
- ☐ Petition for Site Plan Review pursuant to Article IX of the Zoning Bylaw (and the Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw; and Supplement Form C for submitted requirements and formats).
- ☐ Petition for a Scenic Road Permit pursuant to Chapter LV.
- ☐ Petition for a Stormwater & Erosion Control Permit pursuant Chapter LI.

DESCRIPTION OF APPLICANT:

- a. Name Mark and Kristin Yannetti
- b. Address 51 Wenham Road, Topsfield
- c. Phone Number 978 375-3131
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) _____
(Attach copy of lease and/or letter of authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 71, Lot(s) 19, Zoning District ORA
- b. Location of Premises (number and street) 51 Wenham Rd, Topsfield
- c. Name and address of legal owner (if different from Applicant) _____
- d. Deed to the Premises recorded at (if known):
 _____ Essex South District Registry of Deeds, Book 33138 Page 98
 _____ Essex South Registry District of the Land Court, Certificate Number _____
- e. Prior zoning decisions affecting the Premises (if any):
 Date of Decision _____ Name of Applicant _____
 Nature of Decision _____
- f. Present use of the Premises _____
- g. Present structures conform to current Zoning Bylaw. ☒ Yes ☐ No. If no, in what respect does it not conform. _____

PROPOSAL (attach additional sheets if necessary):

- a. General Description:
Construct a new addition to the main house with an in-law apartment. Construct a 4 car garage. Addition to have a mudroom, family room, office, and bathroom. The second floor will have a bedroom and bath. An inlaw will be constructed on 1st floor with bedroom, bathroom, kitchen.

b. If proposal is for construction or alteration of an existing structure, please state:

	FRONT	REAR	SIDE(S)
1. Setbacks required per bylaw	<u>20</u>	<u>40</u>	<u>20</u> <u>20</u>
2. Existing setbacks	<u>75.2</u>	<u>308.7</u>	<u>57.1</u> <u>97.4</u>
3. Setbacks proposed	<u>55.0 ±</u>	<u>340.5 ±</u>	<u>109.6 ±</u> <u>120.1 ±</u>

	FRONTAGE	AREA
4. Frontage and area required by bylaw	<u>200</u>	<u>87,120</u>
5. Existing frontage (s) and area	<u>268.43</u>	<u>159,020</u>
6. Frontage (s) and area proposed	<u>268.43</u>	<u>159,021</u>

	FEET	STORIES
7. Existing Height	<u>35</u>	<u>2 ±</u>
8. Height proposed	<u>25'6"</u>	<u>1 ±</u>

c. Other town, state or federal permits or licenses required, if any:

NECESSARY ACCOMPANYING DATA:

It is required that every application be accompanied by appropriate supporting data. Failure to submit appropriate and complete data could result in delay and/or denial of application for zoning relief. Place a check next to the applicable accompanying supporting data:

Variance of Special Permit Applications:

(See Planning Board Rules and Procedures Section III)

All required supporting data attached ☐ Yes ☐ No

Site Plan Review Applications:

(See Town of Topsfield Zoning Bylaw, Article IX, Section 9.05. See also Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw)

All required supporting data attached ☐ Yes ☐ No

Comprehensive Permit Applications:

(See G.L.c. 40B, Sections 20-23)

All required supporting data attached ☐ Yes ☐ No

Appeals from decisions of Building Inspector or Others:

(See Planning Board Rules and Procedures, Section III (1) (e))

All required supporting data attached ☐ Yes ☐ No

If all required supporting data is not attached, why not:

Date

9-10-15

Signature of Applicant

TOWN OF TOPSFIELD

SPECIAL PERMIT APPLICATION TO THE PLANNING BOARD FOR FAMILY ACCESSORY APARTMENT

1. Applicant(s): (This application must be signed by all owners as identified in the deed attached to this application).

<u>Name</u>	<u>Address</u>
<u>Mark Yannetti</u>	<u>51 Wenham Rd, Topsfield, MA</u>
<u>Kristin Yannetti</u>	<u>51 Wenham Rd, Topsfield, MA</u>

☒ Deed attached

2. Property Address: 51 Wenham Rd, Topsfield, MA 01983

3. Registry of Deeds Title Reference: Book 3313P, Page 098

4. Attach list of all abutters within 300 feet of each lot line to whom notice of the application shall be given.

5. State the names and ages of all occupants of the main dwelling.

<u>Name</u>	<u>Age</u>	<u>Name</u>	<u>Age</u>
<u>Mark Yannetti</u>	<u>44</u>		
<u>Kristin Yannetti</u>	<u>44</u>		

6. State the names and ages of all proposed occupants of the family accessory apartment.

<u>Name</u>	<u>Age</u>	<u>Name</u>	<u>Age</u>
<u>Joseph A Yannetti</u>	<u>72</u>	<u>Kathleen C Yannetti</u>	<u>68</u>

7. State the identity of and the family or other relationship between the owner or occupant of the main dwelling and the owner or occupant of the Family Accessory Apartment upon which this application is based.

Joseph and Kathleen are the parents of Mark Yannetti.

8. State the reason for the Family Accessory Apartment. (Article VII § 7.03 of the bylaw requires that the primary purpose of the Family Accessory Apartment shall be to maximize privacy, dignity, and independent living among the occupants of the main dwelling and the Family Accessory Apartment).

☐ Amnesty requested.

Joseph suffered permanent and degenerative injuries while serving in the U.S. Army. For his actions, he was awarded the Purple Heart and Bronze Star Medals. This apartment will allow him to maximize his independence and quality of life.

9. State estimated cost of all improvements to create the Family Accessory Apartment.

approximately \$116,000.

10. State whether improvements include structural work, and if so describe them.

new structure - foundation and framing

11. State the description and frequency of the personal care assistance to be provided.

none, at this time

12. State whether the occupant(s) of the Family Accessory Apartment will make any financial contribution to the applicants and if so explain in detail. (Article VII § 7.03 of the bylaw prohibits generating income as a primary purpose of the Family Accessory Apartment).

☐ Yes

☒ No

If yes, state amount, frequency and explain in detail.

13. Attach scaled drawings of the floor plan of the existing main dwelling and the proposed Family Accessory Apartment including elevations if exterior modifications are proposed.

☒ Floor plan attached

☒ Elevation attached

14. Attach written certification by the Board of Health that the sewage disposal system has sufficient capacity to accommodate the occupants of the Family Accessory Apartment.

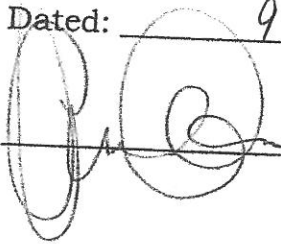
☐ Board of Health certification attached

15. Identify the zoning district and present use of the subject property and the commencement date of that use.

ORA

By signing this application, all applicants verify that all purposes, procedures and requirements as set forth in the bylaw have been fulfilled and covenant that the use of the Family Accessory Apartment shall forthwith be discontinued upon termination as provided by the bylaw.

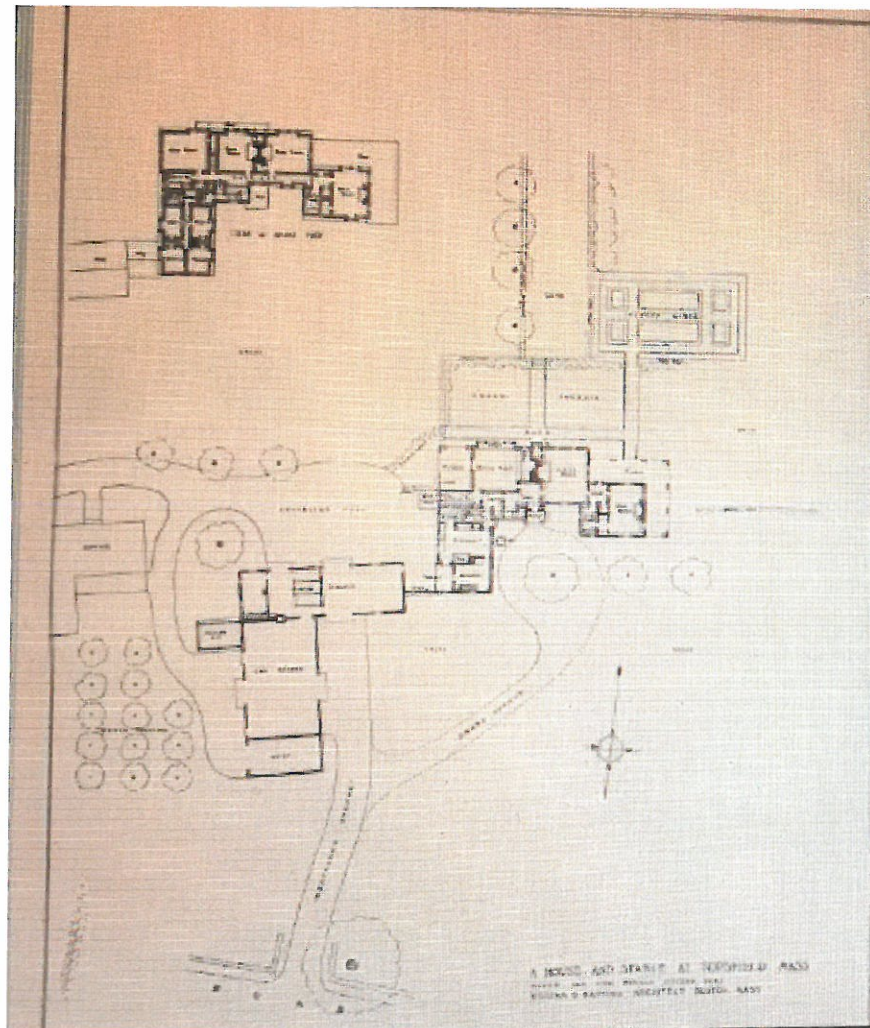
Dated: 9-10-15

A handwritten signature in dark ink, consisting of a large, stylized 'P' followed by a circular flourish and a horizontal stroke.

We've received permission to tear down our large wooden barn at 51 Wenham Road. Its condition is beyond repair, and it is uninsurable. We realize this property is historically important because it was designed more than 100 years ago by noted architect, William G. Rantoul. The blue prints, which are available for review at the Peabody Essex Museum Reading Room, provide an accurate rendering of the house. There is a set of blueprints for a barn, but it doesn't reflect the current barn or any other buildings on the property.

In November of 1909 Mr. Rantoul submitted a large display featuring these plans to the Boston Architectural Exhibit, which was held at the Gallery of the old Museum of Fine Arts in Copley Square. They are also included in the yearbook that was published in connection with the event. A photo of that yearbook page can be seen below. Please note the area that is designated as barn space.

We value the importance of our property, and have spent many hours researching its history. Using these drawings as our inspiration, our proposed addition has been designed to reflect both the spirit and size of the barns in William Rantoul's original plans.



- The proposed barns in Rantoul's original drawings are approximately 2550' sq.



INSPECTIONAL SERVICES
DEPARTMENT

Town of Topsfield
8 West Common Street
Topsfield, MA 01983

PERMIT DENIAL

NAME: **Mark Yennetti**

ADDRESS: **51 Wenham Rd. Topsfield, MA**

LOCATION: **51 Wenham Rd. Topsfield, MA**

ZONING DISTRICT: **ORA**

PERMIT REQUESTED FOR: **Addition/Accessory Apartment**

THIS DENIAL IS BASED ON THE NEED FOR AN APPROVAL FROM THE:

☐ ZONING BOARD OF APPEALS

☒ **PLANNING BOARD**

☐ BOARD OF SELECTMEN

FOR A:

☐ VARIANCE

☐ FINDING

☒ **SPECIAL PERMIT**

- | | | | |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Lot Frontage | <input type="checkbox"/> Building Height | <input type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Front Yard | <input type="checkbox"/> Side Yard | <input type="checkbox"/> Rear Yard | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Sign (size, height, location) | <input type="checkbox"/> Expansion of Non-Conforming Use | <input type="checkbox"/> Open Space | |
| <input type="checkbox"/> Change in Non-Conforming Use | <input type="checkbox"/> Additional Principal Building | | |

X Other **Accessory Apartment**

ZONING REQUIREMENT: **Max. 750 sq. ft.**

PROPOSED: **2500 sq. ft.**

Date Permit Denied **9/10/2015**

Inspector of Buildings
Zoning Enforcement Officer



The Commonwealth of Massachusetts
Board of Building Regulations and Standards
Massachusetts State Building Code, 780 CMR, 8th edition
Building Permit Application To Construct, Repair, Renovate Or Demolish a
One- or Two-Family Dwelling

RECEIVED

SEP 10 2015

OFFICE OF TOPSFIELD
INSPECTION DEPT.



Building Permit Number:

This Section For Official Use Only

Date Applied:

Signature:

Building Commissioner/Inspector of Buildings

Date

SECTION 1: SITE INFORMATION

1.1 Property Address:

51 Wenham Rd

1.2 Assessors Map & Parcel Numbers

Map Number

Lot 10
Parcel Number

1.1a Is this an accepted street? yes ☒ no ☐

1.3 Zoning Information:

Zoning District

Proposed Use

1.4 Property Dimensions:

Lot Area (sq ft)

Frontage (ft)

1.5 Building Setbacks (ft)

Front Yard

Side Yards

Rear Yard

Required

Provided

Required

Provided

Required

Provided

1.6 Water Supply: (M.G.L.c. 40, §54)

Public ☐

Private ☒

1.7 Flood Zone Information:

Zone: _____

Outside Flood Zone?

Check if yes ☐

1.8 Sewage Disposal System:

Municipal ☐ On site disposal system ☒

SECTION 2: PROPERTY OWNERSHIP

2.1 Owner of Record:

Mark Yennetti

Name (Print)

Signature

51 Wenham Rd

Address for Service:

978-375-3131

Telephone

SECTION 3: DESCRIPTION OF PROPOSED WORK (check all that apply)

New Construction ☒

Existing Building ☐

Owner-Occupied ☐

Repairs(s) ☐

Alteration(s) ☐

Addition ☒

Demolition ☐

Accessory Bldg. ☐

Number of Units _____

Other ☐ Specify: _____

Brief Description of Proposed Work: Construct an addition with a 1st flr unit and a 4 car garage.

Demolition of the existing structure has a permit, # B-2016015

SECTION 4: ESTIMATED CONSTRUCTION COSTS

Item

Estimated Costs:
(Labor and Materials)

1. Building

\$ 343,929-

2. Electrical

\$ 20,000 -

3. Plumbing

\$ 13,500 -

4. Mechanical (HVAC)

\$ 26,000 -

5. Mechanical (Fire Suppression)

\$

6. Total Project Cost:

\$ 403,429.00

Official Use Only

1. Building Permit Fee: \$

Indicate how fee is determined:

☒ Standard City/Town Application Fee

☒ Total Project Cost (Item 6) x multiplier _____ x

2. Other Fees: \$

List:

Total All Fees: \$

Check No. _____

Check Amount: _____

Cash Amount: _____

☐ Paid in Full

☐ Outstanding Balance Due

5 E
AK-4

2014022800210 Bk:33138 Pg:98
02/28/2014 11:17 DEED Pg 1/5

MASSACHUSETTS EXCISE TAX
Southern Essex District R00
Date: 02/28/2014 11:17 AM
ID: 1004023 Doc# 20140228002100
Fee: \$3,762.00 Cons: \$825,000.00

QUITCLAIM DEED

51 Wenham Road
Topsfield MA

Catharine M. Bufalino, of Astoria, New York, an unmarried woman and Philip Rockwell, of Canton Center, Connecticut, an unmarried man, individually, Philip Rockwell, as co-executor of the Estate of Helen Rockwell Essex Docket #99P0646-EP1 of Topsfield, Massachusetts, under power granted under the will of Helen Rockwell, and Philip Rockwell and Diane Torrey, Personal Representatives of the Estate of Warren F. Rockwell, Jr., Essex Docket #ES13P0519EA, of Topsfield, Massachusetts, under power granted under the will of Warren F. Rockwell, Jr. and every other power, for consideration paid, and in full consideration of *Eight Hundred Twenty-Five Thousand and no/100 (\$825,000.00) Dollars*, grant to Mark Yannetti and Kristen Yannetti, husband and wife, tenants by the entirety, of 51 Wenham Road, Topsfield, Massachusetts 01983 with *quitclaim covenants*, the land in Topsfield known and numbered as 51 Wenham Road and more particularly described as follows:

Beginning at the Northeasterly corner of land of Warren F. Rockwell et ux being a point on the Westerly Street line of Wenham Road 250.00 feet Southeasterly from a drill hole in a stone wall as shown on "Plan of land in Topsfield, Property of Warren F. Rockwell, et al, Scale 1" = 60', Oct. 21, 1965, Essex Survey Service" recorded with Essex South Registry of Deeds, Plan 270 of 1968, Book 5542, Page 686, and thence running S34°-26'-30"E a distance of 276.02 feet along the Westerly Street line of Wenham Road to a point; thence running S44°-42'-50"E a distance of 42.41 feet to a point; thence turning and running S22°-14'-46"W a distance of 402.23 feet by land formerly of the Shattuck Estate; thence turning and running on two courses by land formerly of the Shattuck Estate N66°-54'-20"W a distance of 109.81 feet and N83°-46'-00"W a distance of 154.95 feet; thence turning and running N41°-08'-00"W by land formerly of Wellman a distance of 82.00 feet; thence running N37°-06'-40"E by Lot 10 of David J. Bernays et. ux. a distance of 179.19 feet; thence running N51°-06'-20"W by said land of Bernays a distance of 107.96 feet; thence turning and running N37°-45'-50"E by said Bernays land a distance of 160.05 feet; thence turning and running S51°-50'-57"E by Parcel B of Bernays land a distance of 20.00 feet; thence turning and running N46°-00'-34"E by Bernays land a distance of 263.61 feet to the point of beginning.

This land contains 3.65110 acres or 159,168 square feet of land, more or less, though erroneously stated, according to said plan, to be 201,668 +/- S.F.

Together with the right to use in common with others, as designated by the Trustees of R. L. H. Trust, certain water from a well located on other lands now or formerly of said trust abutting and adjoining Lots 11 and 12 as shown on a plan entitled "Land of Estate of Annie B. Shattuck. et ux, Wenham Road, Topsfield, Mass., dated February 1957, Edwin T. Brudzynski, Registered Surveyor", recorded with Essex South District Registry of Deeds, Plan Book 89, Plan 74 from which sources water to the within granted premises is now furnished subject to the owners of the within described premises paying such part of maintaining said source of water supply, including pipe and pumps connected therewith as the area of the within granted lands and buildings bears to the area of other grantees authorized to participate in and use said water by deeds of R. L. H. Trust as grantor.

Together with the benefit of certain covenants of the R. L. H. Trust, a prior grantee, that it will not give, grant, bargain, convey, bequeath or devise, to any person or entity, any right to use of any water, spring or well now in existence on land now or formerly of the R. L. H. Trust, a prior grantor, except to the owner or subsequent grantees, their successors and assigns, of Lots 6-12 and 13, except with the written consent of Warren F. Rockwell (now deceased) and his wife (now deceased), their successors and assigns.

The Grantors hereby release all of their homestead rights in the premises.

For grantors' title see Estate of Helen H. Rockwell, Essex Probate Docket #99P0646 and Estate of Warren F. Rockwell, Jr., Essex Probate Docket #13P0519. See also agreement recorded at Book 5542 page 686 and deeds recorded at Book 13194 Page 167 and at Book 10028 Page 401.

Witness our hands and seals on February 28th, 2014.

Signatures appear on following pages.

Philip Rockwell

(Seal)

Philip Rockwell, individually and as Personal Representative
of the estate of Warren F. Rockwell, Jr.
and as co-executor of the estate of Helen H. Rockwell

Cynthia E. Rockwell

(Seal)

Cynthia E. Rockwell Rockwell, spouse of Philip Rockwell

STATE OF Connecticut

County of Hartford, ss Simsbury

Then personally appeared the above named Philip Rockwell and Cynthia E.
Rockwell, who proved to me through satisfactory evidence of identification, which was a driver's
license issued by the State of Connecticut, that he/she/they was/were the person(s) whose name(s)
is/are signed on this document and who executed the foregoing and acknowledged before me that
he/she/they executed the same freely for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the
County and State last aforesaid on February 21, 2014

[Signature]

Notary Public

My commission expires: July 31, 2018

SHAMIM BHATTI
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 2018

Catharine M. Bufalino (Seal)
Catharine M. Bufalino

STATE OF New York

County of Queens, ss

Then personally appeared the above named Catharine M. Bufalino, who proved to me through satisfactory evidence of identification, which was a driver's license issued by the State of New York, that he/she/they was/were the person(s) whose name(s) is/are signed on this document and who executed the foregoing and acknowledged before me that he/she/they executed the same freely for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State last aforesaid on February 24 2014

Anjal Hussan
Notary Public

My commission expires: 07/23/16

ANJAL HUSSAN

Notary Public, State of New York
No. 01HU6265935, Qualified in Queens County
Commission Expires: July 23, 2016

Diane Torrey (Seal)
Diane Torrey, Personal Representative of the estate of Warren
F. Rockwell, Jr.

COMMONWEALTH OF MASSACHUSETTS

County of Essex, ss

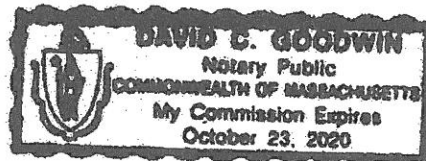
Then personally appeared the above named Diane Torrey, who proved to me through satisfactory evidence of identification, which was a driver's license issued by the Commonwealth of Massachusetts, that he/she/they was/were the person(s) whose name(s) is/are signed on this document and who executed the foregoing and acknowledged before me that he/she/they executed the same freely for the uses and purposes therein expressed.

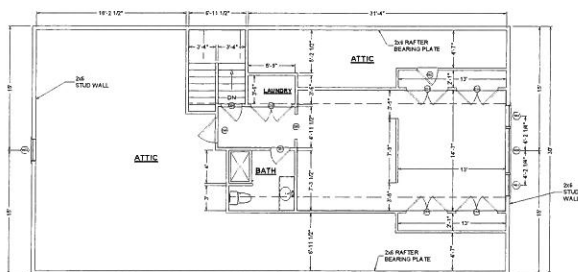
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State last aforesaid on February 20, 2014

David

Notary Public

My commission expires:





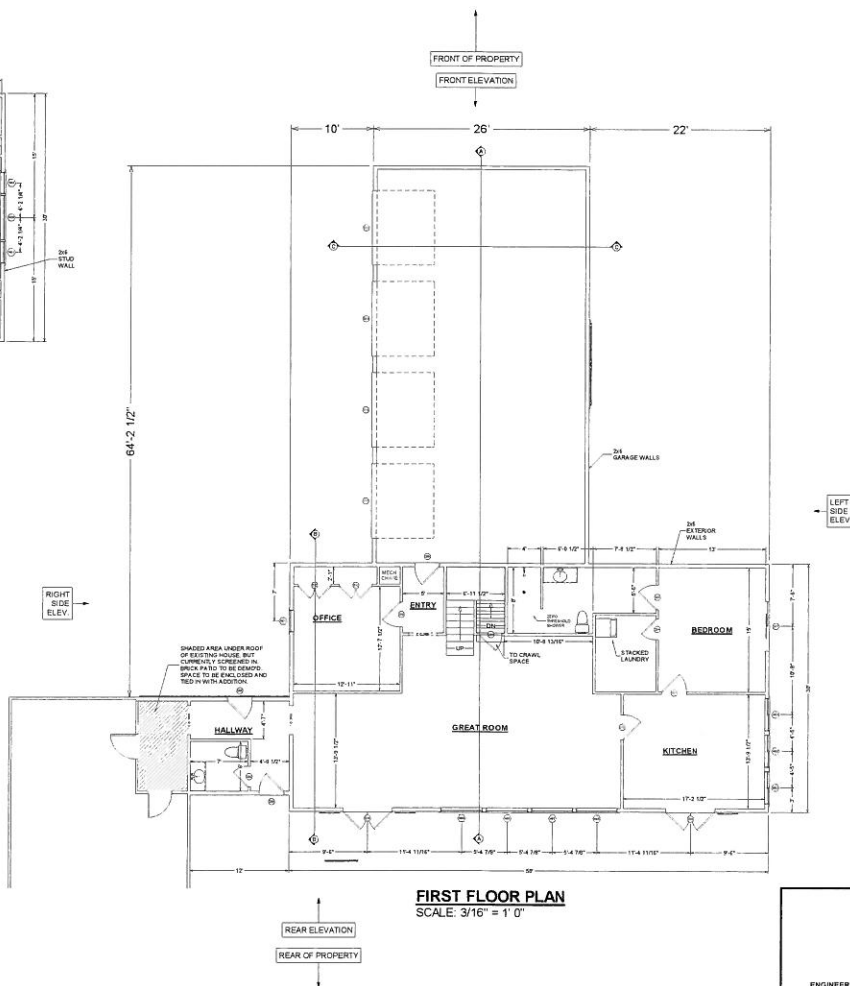
SECOND FLOOR PLAN
SCALE: 3/16" = 1' 0"

NOTES:

1. ALL DIMENSIONS TO ROUGH FRAME.
2. ALL EXTERIOR WALLS: 2x6
3. ALL INTERIOR PARTITIONS: 2x4

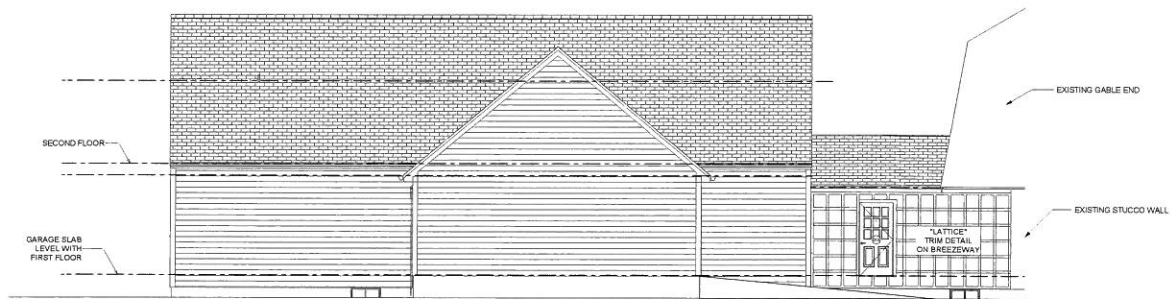
DOOR SCHEDULE					
NUMBER	QTY	SIZE	TYPE	TEMPERED	
001	1	2438 IN	HINGED		
002	1	2440 R EX	HINGED		
003	1	2661 LIN	HINGED		
004	3	2663 R IN	HINGED		
005	1	3068	DOORWAY		
006	1	3068 L EX	HINGED		
007	2	3068 LIN	HINGED		
008	2	3068 R EX	HINGED		
009	1	3068 R IN	HINGED	YES	
010	1	3068 R IN	HINGED		
012	2	4060 IN	DOUBLE HINGED		
014	4	5068 IN	DOUBLE HINGED		
015	1	5068 IN	DOUBLE HINGED		
016	2	6068 EX	DOUBLE HINGED	YES	
017	1	6008 R EX	SLIDING		
018	4	9070 R	GARAGE		
019	1	9070 R	GARAGE		OK

WINDOW SCHEDULE						
NUMBER	QTY	DIMENSIONS	EGG/FSS	TEMPERED	TYPE	
W01	2	31 1/2"X52 13/16"SC	YES		SRL CASEMENT	
W02	2	32 1/2"X42 1/2"			DOUBLE HUNG	
W03	2	47 1/4"X47 1/4" S			LEFT SLIDING	
W04	4	59 7/8"X55 15/16"FX		YES	FIXED GLASS	
W05	4	59 7/8"X55 7/8"FX			FIXED GLASS	
W06	1	64 13/16"X52 13/16"FX			FIXED GLASS	



FIRST FLOOR PLAN
SCALE: 3/16" = 1' 0"

ENGINEER
OR STRUCTURAL ONLY



FRONT ELEVATION
(TOP OF FLOOR PLAN)
SCALE: 1/4" = 1' 0"



REAR ELEVATION
(BOTTOM OF FLOOR PLAN)
SCALE: 1/4" = 1' 0"

SHEET
4

SHEET CONTENTS
FRONT & REAR ELEVATIONS

DRAWN BY
CHRIS SMITH
9/2/2015

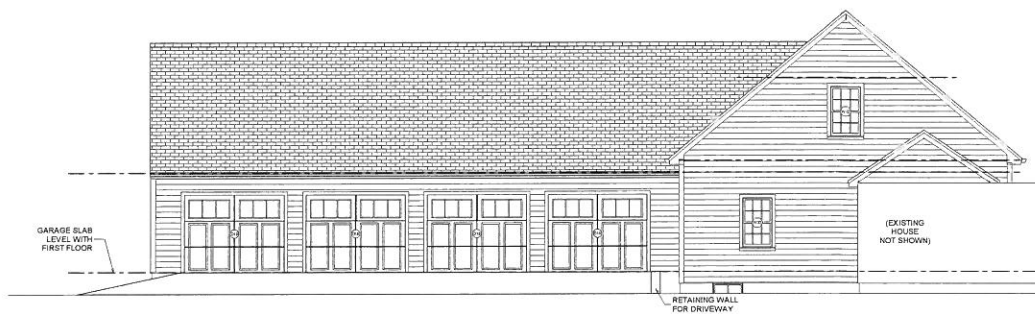
GREAT ROOM, GARAGE, IN-LAW
AND OTHER ADDITIONS

YANNETTI RESIDENCE
51 WENHAM ROAD, TOPSFIELD, MA

385 Tremont Drive
Dorchester, MA 02125
(617) 347-8811

Harbor House
DESIGN, LLC

ENGINEER
(FOR STRUCTURAL ONLY)



RIGHT SIDE ELEVATION
(LEFT OF FLOOR PLAN)
SCALE: 1/4" = 1' 0"



LEFT SIDE ELEVATION
(RIGHT SIDE OF FLOOR PLAN)
SCALE: 1/4" = 1' 0"

SHEET
5

SHEET CONTENTS:
RIGHT & LEFT SIDE ELEVATIONS

DRAWN BY
GREG SMITH
9/2/2015

GREAT ROOM, GARAGE IN-LAW
AND OTHER ADDITIONS

YANNETTI RESIDENCE
51 WENHAM ROAD, TOPSFIELD, MA

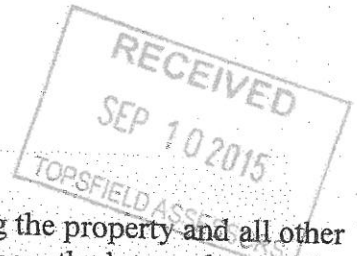
381 Temple Drive
Dorchester, MA 01919
(617) 341-1841

Harbor House
DESIGN, E.C.

ENGINEER
(FOR STRUCTURAL ONLY)

**TOWN OF TOPSFIELD, MA
PLANNING BOARD**

Application Supplement Form B



Attach to this form a copy of the Assessor's map (scale 1" equals 200') showing the property and all other properties and roadways within 300 feet of any portion of the property. Also, show the lot number and lot owner's name on each lot within the 300'.

List below the lot owner names and mailing addresses as shown in the Assessors' records, beginning with the property of the Applicant (locus).

Applicant's Name, Mailing Address: Yannetti Mark E, Kristen

51 Wenham Rd.
Telephone No. 978.375.3131

Locus: 51 Wenham Rd.

Map	Block	Location	Owner	(If different from location) Mailing Address
-----	-------	----------	-------	---

71-18

SEE ATTACHED LIST

If needed, attach additional sheets.

Assessor's Certification

To the Topsfield Planning Board:

This is to certify that, at the time of the last assessment for taxation made by the Town of Topsfield, the names and mailing addresses of the parties assessed as owners of land within 300' of the parcel of land shown in the attached sketch were as listed.

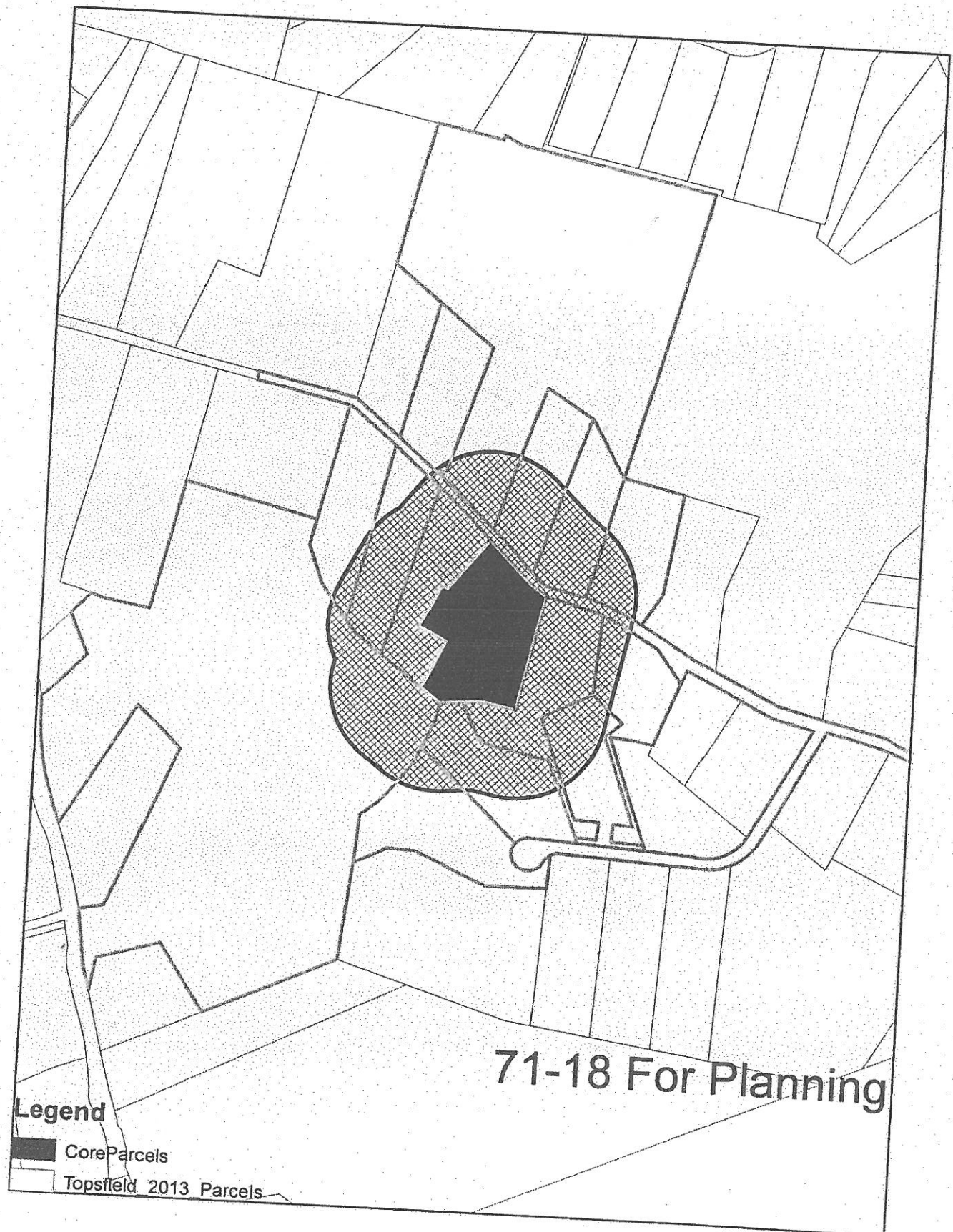
Authorized Signature
Assessors' Office

Kathleen Jackson

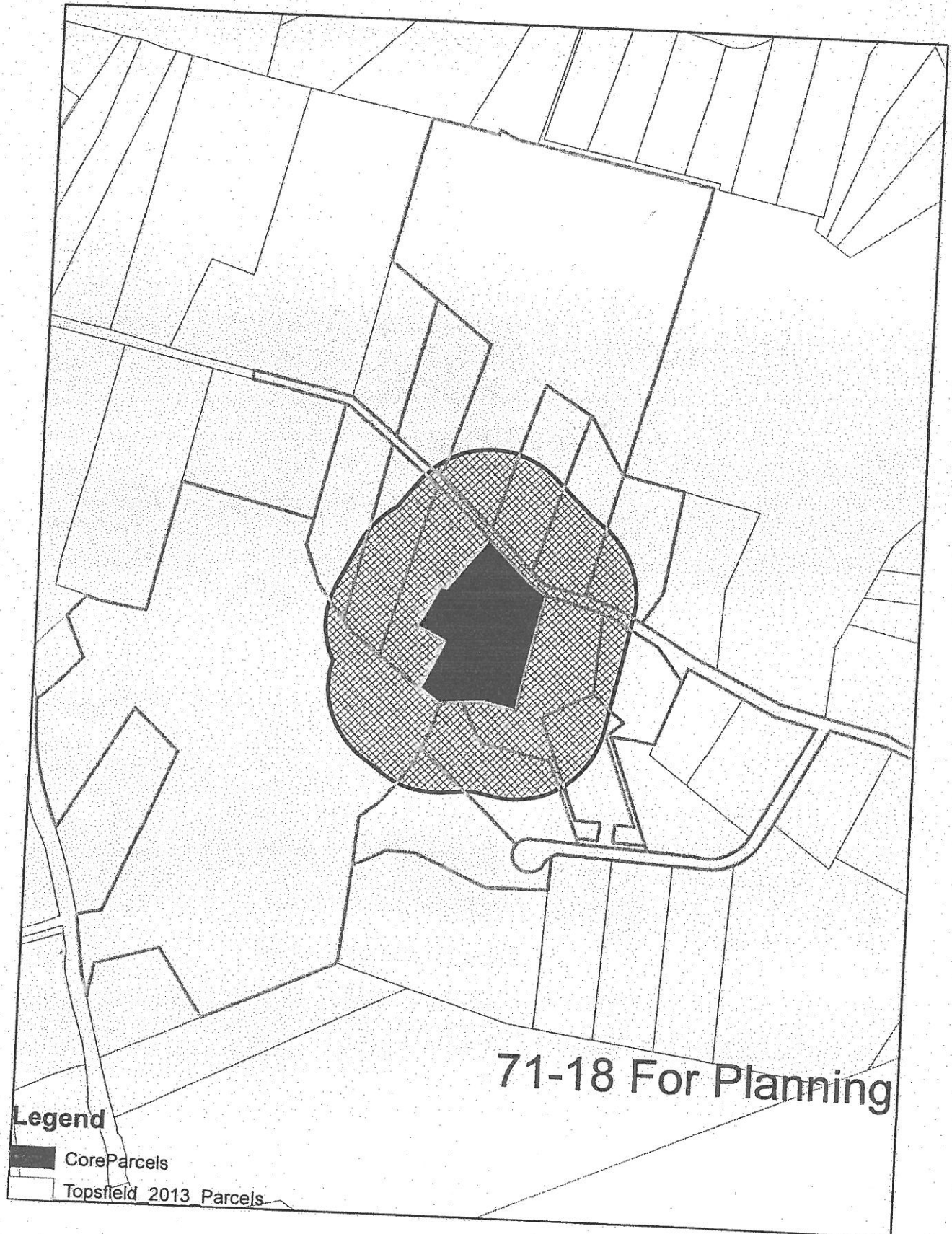
Date of Verification

9/10/15

51 Wenham Rd



51 Wenham Rd



9/10/2015

11:09:16AM

Town of Topsfield

GIS - Abutters by ParcelID

Page 1 of 1

Parcel ID - Map/Block/Lot	Location	Owner/Mailing Address
70-10	41 WENHAM RD	LACHMAYR ALEX TR / LACHMAYR FAMILY REALTY T 14 FEDERAL STREET READING MA 01867
70-11	37 WENHAM RD	PETTENGILL STEVEN C / PETTENGILL VIRGINIA C 37 WENHAM RD TOPSFIELD MA 01983
70-15	42 WENHAM RD	MALOY STEVEN R / MALOY DEBORAH D 42 WENHAM RD TOPSFIELD MA 01983
70-16	46 WENHAM RD	CLARK H W TR, H W CLARK LIV TR / CLARK S P TR, S 46 WENHAM RD TOPSFIELD MA 01983
70-8	128 SALEM RD	DWINELL EVELYN H TR / DWINELL SCOTT L TR 132 SALEM RD TOPSFIELD MA 01983
70-9	45 WENHAM RD	TREVENEN ANNE B / LIDDEN KENNETH M 45 WENHAM RD TOPSFIELD MA 01983
71-10	19 SLEEPY HOLLOW RD	NAGLE ALEXANDER / NAGLE JESSICA 19 SLEEPY HOLLOW RD TOPSFIELD MA 01983
71-12	63 WENHAM RD	YANNETTI JOSEPH G / YANNETTI GAELAN C 63 WENHAM RD TOPSFIELD MA 01983
71-16	61 WENHAM RD	GILLESPIE PAUL J / GILLESPIE MARTHA C 61 WENHAM RD TOPSFIELD MA 01983
71-17	59 WENHAM RD	FLANAGAN WALTER A / FLANAGAN MAUREEN A 59 WENHAM RD TOPSFIELD MA 01983
71-18	51 WENHAM RD	YANNETTI MARK / YANNETTI KRISTEN 51 WENHAM RD TOPSFIELD MA 01983
71-19	52 WENHAM RD	RIEKERT MARTHINUS J / RIEKERT CHRISTA 52 WENHAM RD TOPSFIELD MA 01983
71-20	54 WENHAM RD	CREGG DONALD J / CREGG MARJORIE GILMORE 54 WENHAM RD TOPSFIELD MA 01983
71-21	62 WENHAM RD	COLE CHRISTOPHER / COLE ANDREA M 62 WENHAM RD TOPSFIELD MA 01983
71-8	21 SLEEPY HOLLOW RD	TWEEDY DORIS E 21 SLEEPY HOLLOW RD TOPSFIELD MA 01983

0/2015

1:09:16AM

Town of Topsfield

GIS - Abutters by Parcel ID

Filter Used:

DataProperty.AccountNumber in (2059,2058,2060,2065,2061,2064,2062,2063,2201,2197,2196,2195,2191,2190,2189)

[illegible]

I have spoken with Mr. John Coulon regarding my son's application for a building permit to construct an addition, which will include a second floor bedroom as well as an in-law apartment. He has assured me that he will approve the project once a deed restriction limiting the number of bedrooms on the property to a total of 5 has been submitted to the Essex County Registry of Deeds, and Mr. Coulon has received a receipt from them.

This is a copy of the completed application which will be submitted by Mark & Kristin's attorney, Kevin E. Buck, Esq. once the project has received a conditional approval.

Kathleen Yannette

GRANT OF TITLE 5 BEDROOM COUNT DEED RESTRICTION

This Grant of Title 5 Bedroom Count Deed Restriction is made as of this _____ day of September, 2015 by Mark Yannetti and Kristen Yannetti ("Grantors"), of 51 Wenham Road, Topsfield, Essex County, Commonwealth of Massachusetts, pursuant to M.G.L. c. 21A, §13 and 310 CMR 15.000 (collectively, "Title 5").

WITNESSETH

WHEREAS, Grantors, being the owner(s) in fee simple of that certain parcel of land located in Topsfield, Essex County, Commonwealth of Massachusetts with the buildings and improvements thereon, pursuant to a deed from Catherine M. Bufalino and Philip Rockwell, as Co-Executors of the Estate of Helen Rockwell (see Essex Docket # 99P0646-EP1) and Philip Rockwell and Diane Torrey as Personal Representatives of the Estate of Warren F. Rockwell, Jr. (see Essex Probate# ES13P0519EA) to Grantors, dated February 28, 2014, and recorded with the Essex South County Registry of Deeds in Book 331358 Page 98, said parcel(s) of land being more particularly bounded and described in Exhibit A, attached hereto and made a part hereof, and being shown on a plan entitled, "Plan of land in Topsfield, Property of Warren F. Rockwell, et al, Scale 1"=60', Oct. 21, 1965, Essex Survey Service" recorded with the Essex South Registry of Deeds, Plan 270 of 1968, Book 5542, Page 686, and

WHEREAS, Grantors desire to restrict the number of bedrooms, as the term bedroom is defined at 310 CMR 15.002 ("Bedroom"), through the granting of this Title 5 Bedroom Count Deed Restriction;

NOW, THEREFORE, Grantors do hereby GRANT to Town of Topsfield, Essex County, Massachusetts, a municipal corporation located in Essex County, having a mailing address of Town of Topsfield, Town Hall, 8 West Common Street, Topsfield, Essex County, Massachusetts, and acting by and through its Board of Health ("Local Approving Authority"), for nominal and non-monetary consideration, the sufficiency and receipt of which are hereby acknowledged, with QUITCLAIM COVENANTS, a TITLE 5 BEDROOM COUNT DEED RESTRICTION ("Restriction") in, on, upon, through, over and under the Property.

Said Restriction operates to restrict the Property as follows:

1. Restriction. Grantors hereby restrict the total number of Bedrooms in, on, upon, through, over and under the Property to Five (5) Bedrooms, such that at no time shall there exist more than Five (5) Bedrooms in, on, upon, through, over and under said Property.
2. Severability. Grantors hereby agree that, in the event that a court or other tribunal determines that any provision of this instrument is invalid or unenforceable:
 - (i) That such provision shall be deemed automatically modified to conform to the requirements for validity and enforceability as determined by such court or tribunal; or
 - (ii) That any such provision, by its nature, cannot be so modified, shall be deemed deleted from this instrument as though it had never been included herein.

In either case, the remaining provisions of this instrument shall remain in full force and effect.

3. Enforcement. Grantors expressly acknowledges that a violation of the terms of this Restriction could result in the following:
 - (i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Property in violation of the terms of this Restriction; and
 - (ii) in the initiation of an enforcement action and/or assessment of penalties by the Local Approving Authority and/or the Massachusetts Department of Environmental Protection, a duly constituted agency with a principal office located at One Winter Street, Boston, MA 02108 (DEP), to enforce the terms of this Restriction pursuant to Title 5; M.G.L. c.111, §§ 2C, 17, 31, 122, 123, 125, 127A-O, inclusive, and 129; and M.G.L c. 83, §11.
4. Provisions to Run with the Land. The rights, liabilities, agreements and obligations created under this Restriction shall run with the Property and any portion thereof for the term of this Restriction. Grantors hereby covenant for themselves and their executors, administrators, heirs, successors and assigns, to stand seized and to hold title to the Property and any portion thereof subject to this Restriction.

The rights granted to the Local Approving Authority, its successors and assigns, do not provide, however, that a violation of this Restriction shall result in a forfeiture or reversion of Grantors' title to the Property.

5. Concurrence Presumed. It is agreed that:
- (i) Grantors and all parties claiming by, through, or under Grantors agree to and shall be subject to the provisions of this Restriction; and
 - (ii) Grantors and all parties claiming by, though, or under Grantors, and their respective agents, contractors, sub-contractors and employees, agree that the Restriction herein established shall be adhered to and shall not be violated, and that their respective interests in the Property shall be subject to the provisions herein set forth.
6. Incorporation into Deeds, Mortgages, Leases, and Instruments of Transfer. Grantors hereby agree to incorporate this Restriction, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest and/or a right to use the Property, or any portion thereof, is conveyed.
7. Recordation. Grantors shall record and/or register this Restriction with the appropriate Registry of Deeds and/or Land Registration Office within 30 days of receiving the approved Restriction from the Local Approving Authority. Grantors shall file with the Local Approving Authority and the DEP a certified Registry copy of this Restriction as recorded and/or registered within 30 days of its date of recordation and/or registration.
8. Amendment and Release. This Restriction may be amended only upon the approval and acceptance of such amendment by the Local Approving Authority. Release of this Restriction shall be granted by the Local Approving Authority upon (i) Grantors' request of such release; and (ii) the Property being connected to a municipal sewer system and the septic system serving the Property being abandoned in accordance with 310 CMR 15.354. Any such amendment or release shall be recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office and a certified Registry copy of said amendment or release shall be filed with the Local Approving Authority and the DEP within 30 days of its date of recordation and/or registration.
9. Term. This Restriction shall run in perpetuity and is intended to conform to M.G.L. c.184, §26, as amended.
10. Rights Reserved. This Restriction is granted to the Local Approving Authority. It is expressly agreed that acceptance of this Restriction by the Local Approving Authority shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Local Approving Authority or of DEP to issue any future order with respect to the Property or in any way affect any other claim, action, suit, cause of action, or demand which the Local Approving Authority or DEP may have with respect thereto. Nor shall acceptance of the Restriction serve to

impose any obligations, liabilities, or any other duties upon the Local Approving Authority.

11. Effective Date. This Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

[SIGNATURE PAGE TO FOLLOW]

WITNESS the execution hereof under seal this 16 day of Sept., 2015.

Kristin Yannetti
Grantor
Kristin YANNETTI

[STATE]

Suffolk, ss

Sept. 16, 2015

Then personally appeared the above-named Kristin Yannetti [Grantor's Name] and acknowledged the foregoing instrument to be [his/her] free act and deed before me.



Heather L. Wheble
Notary Public:
My commission expires:

Approved and Accepted By:

Date: _____

Local Approving Authority

WITNESS the execution hereof under seal this 16 day of September, 2015.

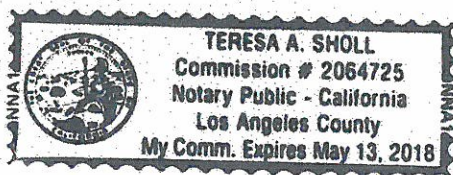
[Signature]
Grantor

CALIFORNIA [STATE]

County of Los Angeles
_____, ss

Sept 16, 2015

Then personally appeared the above-named Mark Yannetti and
acknowledged the foregoing instrument to be his free act and deed before me.



[Signature]
Notary Public:

My commission expires: May 13, 2018

Approved and Accepted By:

Date: _____

Local Approving Authority